Remarks

The amendments and accompanying remarks herein are proper, do not introduce new matter, and are clarifying in nature and not made for reason of patentability in response to a rejection over a cited reference.

By way of the present amendment, claims 1–2, 5, 7, 9, and 11 are amended; claims 4 and 20 are cancelled; and new claims 21–23 have been added. New claims 21–23 are supported at least by para. [0024] of the published application.

Rejection under 35 U.S.C. §112, first paragraph

Claims 1–9 and 11–20 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant disagrees and submits that the claimed subject is described in the specification so as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time of filing.

Applicant submits that the Office's statements in the rejection explicitly contradict a finding that claims 1–9 and 11–20 fail to comply with the written description requirement. In rejecting claims 1–9 and 11–20, the Office stated that "Those skilled in the art would recognize the reference to Kanban triggers specifically refers to some threshold quantity in a just-in-time inventory system. It is also basic knowledge that a triggering system must employ some sort of threshold value that which is monitored."[1] The Office made these statements to support its contention that—although Lindoerfer does not explicitly teach "triggering after detected usage of a predetermined number of individually detected parts"—one skilled in the art would recognize Lindoerfer to imply these teachings.

Put simply: if Lindoerfer teaches a trigger, then one skilled in the art would recognize that Lindoerfer inherently teaches triggering after detecting a predetermined number of parts. Applicant submits that—using the Office's logic—because Applicant's specification teaches "automatically detecting" and "automatic triggering," one skilled in the art would reasonably understand that Applicant possessed the claimed "triggering after detected usage of a predetermined number of individually detected parts."

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[1] Office Action of 11/10/2010 pg. 3, paragraph 8 (emphasis added).

Nonetheless, to promote progress on the merits, Applicant has amended the claims to remove the objected to language. Without prejudice or disclaimer, Applicant submits that the amendments to claims 1–9 and 11–20 has rendered moot the rejections of these claims.

Rejection under 35 U.S.C. §103(a)

Claims 1–3, 5–9, and 11–20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lindoerfer (U.S. Pat. App. 2002/0069096) in view of Aram (U.S. Pat. App. 2002/0072986) in further view of Burnard (U.S. Pat. No. 6,684,119) and in even further view of Griep (U.S. Pat. App. 2003/0014314). Applicant disagrees and submits that the proposed combination of Lindoerfer, Aram, Burnard, and Griep does not substantiate *prima facie* obviousness, for several reasons. First, the Office improperly relies on a mere conclusion without providing any requisite evidentiary basis to support the proposed combination(s). Second, the proposed combination(s) still fail to teach or disclose each and every element.

Claims 1 and 11

Note that amended claim 1 was amended to remove and/or restructure features previously presented. Applicant's argument includes responses to the still remaining features rejected by the Office.

In rejecting claim 1, the Office cited Lindoerfer for teaching *automatically detecting individual real-time usage of parts on a product line . . . with at least one parts consumption detector* and *transmitting the shipping order over a public data network by the processor*—an assertion of which Applicant disagrees.

However, it is undisputed that Lindoerfer fails to teach (1) *automatically triggering by a processor a part pull request signal as a function of detected usage of individual parts by the at least one parts consumption detector;* (2) *automatically translating the part pull request signal to a shipping order by the processor;* and (3) *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used.*

The Office proposed combining Lindoerfer with Aram to partially fill Lindoerfer's deficiencies. Aram was cited as teaching *automatically triggering by a processor a part*

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pull request signal as a function of detected usage of individual parts by the at least one parts consumption detector and *automatically translating the part pull request signal to a shipping order by the processor*.

However, it is undisputed that the combination of Lindoerfer and Aram still fails to teach *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used.* To fill the deficiencies of both Lindoerfer and Aram, the Office cited Burnard.

In proposing the combination of Lindoerfer and Aram, the Office stated: "It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Lindoerfer and Aram because employing the features of both inventions increases the functionality and applicability of these supply chain management systems." Applicant submits that such a reason to combine is mere conjecture on the Office's part, and that the Office has not articulated any reasoning possessing a rational underpinning to support the proposed combination.

Moreover, Applicant submits that the Office's reasoning resembles impermissible hindsight. The determination of obviousness is not whether a person could, with full knowledge of the patented device, reproduce it from prior art or known principles. The question is whether it would have been obvious, without knowledge of the patentee's achievement, to produce the same thing that the patentee produced. Here, the Office has not provided an articulated reason as to why one skilled in the art would combine Lindoerfer and Aram—without knowledge of the patentee's achievement.

Further, Applicant submits that the proposed combination fails to teach each and every element. Neither Lindoerfer, Aram, nor Burnard—nor the combination of all three— teach *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used*. Lindoerfer fails to teach at least *automatically detecting individual real-time usage of parts on a product line*. In support of its rejection, the Office cites Lindoerfer's para. [0122], but the Office has taken the quote out of context. Reading the whole paragraph, Applicant finds that Lindoerfer states:

> The manufacturer prepares and sends a planning schedule 205 to the SRMS. . . . The SRMS electronically processes the received planning schedule S18. This electronic processing includes . . . automatically updating the parts information database. . . .

Applicant submits that Lindoerfer's SRMS cannot read on *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used* because the SRMS only functions after the manufacturer has sent a planning schedule. Put simply: Lindoerfer's SRMS is incapable of "automatically detecting individual real-time usage of parts." Instead, Lindoerfer's SRMS receives a planning schedule from a manufacturer and then updates a parts information database—a method far from teaching *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used.*

Moreover, Burnard fails to teach at least *automatically detecting individual real-time usage of parts on a product line.* For example, Burnard states that: "An operator (not shown) selects material, such as a component part, from the container for installation on the product."[2] There is nothing "automatic" about manually selecting and scanning parts.

Moreover, as admitted by the Office, Aram does not teach *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used.*[3]

For at least these reasons, Applicant submits that the Office has not substantiated a case for obviousness. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 11.

Claim 7

Applicant submits that the proposed combinations fails to teach or disclose *automatically generating shortage information based on delivery information generated by the logistics provider and forwarded to the manufacturer* as recited in claim 7.

In rejecting claim 7, the Office cited Lindoerfer's paragraph [0016], which states:

> In a further embodiment of the present invention, the business practices that are enabled and enhanced include, but are not limited to: material planning schedule

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[2] Burnard 3:19–21.
[3] Office Action pg. 10.

transmission, purchase order and purchase order change management, authorization to ship, availability to ship, information hierarchies, inventory stock status, material receipt, performance metric on shipments, remittance, request for quotation and quote, purchase order, schedule commit, ship notice preparation and processing, invoice preparation and processing, static document acquisition indexing and display, and trend analysis.

Applicant finds no evidence in para. [0016] or anywhere else in the cited references that teach or disclose that *shortage information* is *automatically generated;* that *shortage information* is *based on delivery information generated by the logistics provider;* and especially not *automatically generating shortage information based on delivery information generated by the logistics provider and forwarded to the manufacturer.*

As such, for at least the reasons above, Applicant respectfully requests reconsideration and removal of the rejection of claim 7.

Claims 2–3, 5–6, 8–9, and 12–19

Claims 2–3, 5–6, 8–9, and 12–19 stand rejected on the same rationale as claims 1 and 11. These claims are allowable at least because they depend from an allowable claim and recite additional features. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2–3, 5–6, 8–9, and 12–19.

Claim 4

Without prejudice or disclaimer, Applicant submits that the cancellation of claim 4 has rendered moot the rejections of that claim.

Newly added claims

Applicant submits that newly added claims 21–23 are allowable at least because the art of record does not teach or suggest *automatically detecting individual real-time usage of parts on a product line at the time the individual parts are used.* In addition, the art of record fails to teach or suggest *wherein the usage of individual parts is detected when the individual parts are issued through assembly lines.*

Conclusion

This is a complete response to the Office Action mailed November 10, 2010. Applicant respectfully requests passage of all claims to issuance.

Applicant has also submitted herewith a request for telephone interview if, after having reviewed this Response, the Office determines that any of the claims are not in condition for allowance. The presently requested interview is necessary and appropriate to best facilitate progress on the merits and to resolve any unsettled issue addressed by Applicant in this Response.

The Office is encouraged to contact the undersigned should any question arise concerning this response or anything else concerning this case.

Respectfully submitted,

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